

8

Docket No. UF-270  
Serial No. 10/054,619Remarks

Claims 1-39 were previously pending in the subject application. By the Amendment dated July 8, 2003, the applicants canceled claim 1 and amended claims 2-20, 22-31, and 33, and added new claim 40. By this amendment, claim 33 has been further amended. Support for this amendment can be found throughout the subject specification including, for example, at page 6 at paragraph 18. Accordingly, claims 2-40 are before the Examiner for consideration.

Claim 33 has been amended herein in order to expedite prosecution by simplifying and reducing the number of issues for consideration. The applicants have also endeavored to lend greater clarity to the claimed subject matter. Accordingly, the amendment set forth herein should not be interpreted to indicate that the applicants have agreed with, or acquiesced to, the rejections set forth in the outstanding Office Action. Favorable consideration of the claims now presented, in view of the remarks and amendment set forth herein, is earnestly solicited.

Claims 33 and 35 have been rejected under 35 U.S.C. §102(b) as being anticipated by Gustafsson (U.S. Patent No. 5,447,165 A). In response to this rejection, the applicants erroneously stated in the Amendment dated July 8, 2003, that "Gustafsson merely teaches a method for monitoring in exhaled breath the anesthetizing agent that was used to sedate the patient (*i.e.*, nitrogen monoxide)." The applicants wish to clarify that nitrogen monoxide is not an anesthetic but a metabolite found in the lining on the lung.

Nonetheless, the applicants respectfully traverse these grounds of rejection because Gustafsson neither teaches nor suggests their claimed invention. The subject invention is concerned with measuring the concentration of endogenous compounds found in blood via analysis of exhaled breath. In contrast, Gustafsson merely teaches measuring nitrogen monoxide in exhaled breath as an indication of impaired lung function. Further, as noted above, the nitrogen monoxide measured in exhaled breath as described by Gustafsson comes from the lining on the lung, and not from blood. In fact, there is nothing in Gustafsson regarding monitoring endogenous compounds found in blood, which are associated with specific diseases or conditions. Thus, to expedite prosecution, claim 33 has been amended to clarify monitoring in exhaled breath endogenous compounds found in blood.

S:\SI-RESP\UF\UF-270\suppamend.doc\la

B.

9

Docket No. UF-270  
Serial No. 10/054,619

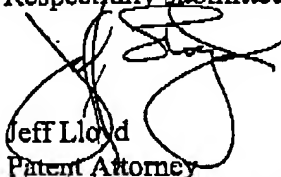
Accordingly, reconsideration and withdrawal of this rejection under 35 U.S.C. §102(b) is respectfully requested.

In view of the foregoing remarks and amendment, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

The applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



Jeff Lloyd

Patent Attorney

Registration No. 35,589

Phone: 352-375-8100

Fax No.: 352-372-5800

Address: 2421 N.W. 41st Street, Suite A-1  
Gainesville, FL 32606-6669

JL/la

RECEIVED  
CENTRAL FAX CENTER

OCT 15 2003

SASH-RESP\UF\UF-270.suppamend.doc\la

OFFICIAL

B